

REMARKS/ARGUMENTS

All claims have been canceled except for pending and examined Claims 17 and 24-31, and withdrawn Claim 53, along with new Claims 68-74. Applicants have canceled the remaining withdrawn claims and have rewritten some of them to depend from the elected claims. Therefore, Claims 17, 24-31, and new Claims 68-74 are part of the same group (total RNA) and Applicants respectfully request that they be further examined.

Applicants note that Claim 53 depends from Claim 27, which is included in the examined group. As a result, Applicants respectfully request that Claim 53 be considered. Even though Claim 53's RNA is enriched for poly-A, the RNA is total RNA as described in Claim 27 and hence is part of the group elected for examination.

The Office's withdrawal of various rejections in view of the previous Response is appreciated. Since Applicants have now canceled Claims 66-67, the rejection under 35 USC §112, second paragraph, is rendered moot.

Rejection under 35 USC §103(a)

Claims 17 and 24-31 have been rejected as allegedly obvious in view of US Patent 5,589,466 (Felgner), US Patent 6,670,186 (Nair) and US Patent 6,977,073 (Cezayirli). Applicants respectfully traverse.

The present application is a divisional application of now issued US Patent 6,693,086, which has a priority date of June 25, 1998. Two of the cited references, Nair and Cezayirli, were filed after that priority date, and as such, are not pertinent references. Applicants recognize that both references claim priority to earlier documents, but some of those documents are continuations-in-part or provisional applications, so they may not contain the same

information as the Nair or Cezayirli cited patents. For these reasons and for the reasons previously presented in the Response of October 2007, Applicants respectfully submit that Claims 17 and 24-31 are not rendered obvious.

As stated by the Office in the present Office Action, "Felgner et al. differs from the instant invention by teaching the use of a single mRNA immunogen associated with a tumor instead of total tumor RNA or total tumor mRNA". Since the cited Nair and Cezayirli patents cannot be used as references, Applicants assert that Felgner alone does not make the present invention obvious.

For these reasons, Applicants believe all of the now pending claims are allowable.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 858-350-6100.

Respectfully submitted,



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